

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA**

SONY MUSIC ENTERTAINMENT, *et al.*,

Plaintiffs,

v.

COX COMMUNICATIONS, INC., *et al.*,

Defendants.

Case No. 1:18-cv-00950-LO-JFA

**PLAINTIFFS' MOTION FOR SEALING**

Pursuant to Rule 26 of the Federal Rules of Civil Procedure, and Local Civil Rule 5(C), Plaintiffs move the Court to enter an order allowing them to file under temporary seal certain portions of their Memorandum in Support of Plaintiffs' Motion to Strike the Declaration of Thomas Patrick Lane and Portions of the Declaration of Thomas Kearney (ECF No. 422) (the "Memorandum").

The sealed portions of the Memorandum comprise portions of the Declaration of Thomas Patrick Lane (ECF No 397) and the Declaration of Thomas Kearney (ECF No. 400), filed under seal, that cite to documents Cox has produced with "Highly Confidential – Attorneys' Eyes Only" or "Confidential" designations, pursuant to the Stipulated Protective Order (ECF No. 58).

Plaintiffs take no position as to whether sealing is warranted. Rather, Plaintiffs request temporary sealing to comply with the Court's Protective Order in this action and to allow Cox, as the designating party, to respond and explain why such sealing is necessary.

Local Civil Rule 5(C) provides that “[w]hen a party moves to file material under seal because another party has designated that material as confidential, the party designating the material as confidential must file a response to the motion,” which includes:

- a. “A statement why sealing is necessary, and why another procedure will not suffice, as well as appropriate evidentiary support for the sealing request.” L. Civ. R. 5(C)(2).
- b. “References to the governing case law, an analysis of the appropriate standard to be applied for that specific filing, and a description of how that standard has been satisfied.” *Id.* 5(C)(3).
- c. “Unless permanent sealing is sought, a statement as to the period of time the party seeks to have the matter maintained under seal and how the matter is to be handled upon unsealing.” *Id.* 5(C)(4).
- d. A proposed order.

Respectfully submitted,

Dated October 3, 2019

/s/ Scott A. Zebrak  
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